

REMARKS

Applicants have now had the opportunity carefully consider the Examiner's comments set forth in the Office Action of March 20, 2007. Reconsideration of the application is respectfully requested.

The Office Action

The Office Action mailed March 20, 2007 claims 1, 3-6 and 8-10 were rejected under 35 USC §103(a) as being unpatentable over Qua et al (U.S. Patent Number 6,222,909) in view of Bartfeld (U.S. Publication No. US2003/0086432) in further view of Williams (U.S. Publication No. 2004/0252679).

Claims 11 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Qua in view of Bartfeld in further view of Williams and Qu (U.S. Patent No. 6,965,786). Furthermore, claims 11 and 13-15 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirements.

All pending claims, claims 1, 3-6, 8-11 and 13-17 remain in the application. Independent claims 1, 6 and 11 have been amended in order to further clarify the claimed invention. Applicants respectfully request that rejections to the application be withdrawn for at least the following reasons.

The Claimed Disclosure

By way of review, the claimed disclosure relates to a method and apparatus for providing a network based memo feature. In at least one form, this disclosure is directed towards a system that will provide network based functionality to allow a user to record a voice memo during an ongoing call. This disclosure allows subscribers to create a voice message based on the recorded memo and store the message in the user's voice messaging system for later retrieval.

In applying this claimed method, the method includes maintaining a voice call, monitoring the reverse link of the voice call, detecting a first code transmitted on the reverse link of the mobile station and opening a connection between the mobile station and voice messaging system based on the first code. This first code may be signaled by a manipulation of a key on the mobile station. Once the first code is detected the voice data is recorded and transmitted on the reverse link and once a

second code is transmitted on the reverse link, the connection will be terminated and the recorded voice data will be tagged for recognition by the memo/mail delineator.

The Cited Art

Qua (U.S. Patent No. 6,222,909) is an audio note taking system and method. The system enables a user to take multiple audio notes of a specific conversation by starting and stopping a recording device and by generating appropriate control signals from a respective communication device during that conversation. The invention stores the user's memo in a storage unit which will enable the user to forward the message to other storage devices such as email. The storage unit may be detachable and can be connected using socket interface cable or other similar technique. Furthermore, the invention may include a storage unit that is connected to the network itself. In any form, the user of the Qua reference may distribute the stored information to oneself or other parties once the information has been recorded.

Examiner also cited Bartfeld (U.S. Publication No. 2003 0086432). Bartfeld is a telephone call management system. Bartfeld allows for a call review where a voice message is being recorded for a specific telephone. Bartfeld allows for the message to be played on a telephone associated therewith during the time it is recorded. Optionally, the call may further be retrieved and rerouted to a user telephone responsive to the command entered via the telephone/television distribution gateway. In any sense, Bartfeld allows the call to be recorded responsive to commands entered via the gateway.

Williams (U.S. Publication No. 2004/0252679) is directed towards a stored voice message control extension. Williams is a method and apparatus for performing voice mail control. The method comprises recognizing one receipt in a subject matter of one or more audio files stored in a storage facility and generating a text message representing the subject matter of the one or more audio files. The method also includes transmitting a text message to at least one identified recipient over a packet data network channel, without transmitting the context of one more audio files.

Finally, the Examiner cites Qu (U.S. Patent No. 6,965,786). Qu discloses a technique to provide the current status of the voice and data applications in wireless devices. In one method, the current status of a particular application supported by a

wireless device is initially determined. This application may be voice call handling, data call handling, voice recognition, voice memo and answering machine or some other application. An annunciator, indicative of the current status the application, is then provided. A menu screen with a listing of all items may be displayed when requested.

Claims 11 and 13-15 comply with the written description and requirement.

Claims 11 and 13-15 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner claims that the memo mail delineator configured to display indicators lack support from the written description. However, clearly stated in paragraphs 52 and 53 are a memo mail delineator 72 and a delineation field 74-2 which indicates whether the message is a memo or a voice mail. The description goes on to state that the voice mail systems (e.g. memo mail delineator 72) display different icons on the display of the appropriate mobile station indicate whether stored data is a memo or a voice mail message. Because the recitation in claim 11 and 13-15 is supported in paragraphs 52 and 53, it is respectfully requested that the rejection under 35 U.S.C. §112 is withdrawn.

There is no motivation to combine Qua and Bartfeld.

In order to properly combine references under 35 USC §103, there must be some suggestion or motivation to modify or combine reference teachings. MPEP §2143.01. Here, it is submitted, that there is no motivation to combine the teachings of Qua and Bartfeld. The Examiner states that one would have been motivated to combine the references in order to reduce processing steps and implement cost effective systems by reducing the hardware expenditures. However, as in this case, there can be no motivation to combine references if one reference directly teaches away from another or the combination changes the principal operation of the references.

In this case, Qua discloses a mobile wireless communication system. Qua discusses throughout the disclosure wireless communication devices, cell phones and the like. The reference clearly addresses situations where a user is in conversation on a wireless communication device, column 1, lines 14-22. Qua even states this device will be used “outside the home or office”, line 16. On the other hand, Bartfeld is a call management application for televisions. The combination of

Qua with Bartfeld would render Qua unsatisfactory for its intended purpose. One skilled in the art would not look towards a television call management system in order to solve a problem with a wireless communication device. Therefore, the proposed modification changes the principal of operation of the Qua reference. Therefore, the teaching of the references are not sufficient to render the claims prima facie obvious MPEP §2143.01 *In re Ratti* 270 F.2d 810 123 USPQ 349 (CCPA 1959).

Moreover, Qua expressly teaches away from the teachings of Bartfeld stating that these wireless devices offer advantages of portability and allow users to establish wireless communication from virtually any location within the coverage of the networks. However, Bartfeld cannot be used in virtually any location. Because Bartfeld is a call management system via television, one can only use this system in their home or office. Therefore, Qua directly teaches away and criticizes from such a system and the two systems are not combinable.

The combination of Bartfeld, Qu and Williams does not disclose all of the elements in the claimed disclosure.

Even assuming the propriety of the combination, the pending claims are not obvious over Qua in view of Bartfeld and further view of Williams. First, with regard to claim 1, the Examiner will appreciate that claim 1 has been amended in order to further clarify the claimed disclosure. Claim 1 now includes the language of validating the mobile station via a control module. The combination of Qua, Bartfeld and Williams do not disclose a control module which validates the mobile station. Support for this amendment can be found in paragraph 40 of the specification. Because this feature is not disclosed or suggested in the cited references, it is hereby respectfully requested that the rejection to this claim be withdrawn.

With regard to claim 6, the Examiner will appreciate that this claim has also been amended in order to further clarify the claimed disclosure. Claim 6 now includes a means for accessing the mobile subscriber database. Similar to claim 1, this amendment gains support from paragraph 40. Again, assuming the propriety of the combination, this feature is not disclosed in the resultant combination of the cited references. It is thereby requested that the rejection to claim 6 be withdrawn.

Lastly, all independent claims claim opening a connection between a mobile station and the voice messaging system. However, the combination of the cited art

does not teach or suggest opening a connection between a mobile station and the voice messaging system. As the Examiner has stated, Qua fails to teach such a step. According to the Examiner, Qua teaches a recording step to store the recorded voice data in Network Storage 180. However, contrary to the Examiner's assertion Bartfeld also does not perform this step. Bartfeld does not disclose or suggest the use of a mobile station at all. Bartfeld is based on a wired system that is connected to a subscriber's home or office cable system, not a wireless system including a mobile station. Therefore, Bartfeld cannot suggest opening a connection between a mobile station and a voicemail server because Bartfeld does not suggest a mobile station. Williams and Qu do not cure this deficiency.

Dependent claims 3-5, 8-10 and 13-17 are in condition for allowance.

All dependent claims in this application are either directly or indirectly dependent from one of the independent claims. As stated above, the independent claims are currently in condition for allowance and rejection to these claims should be withdrawn. Because all dependent claims are dependent from one of these independent claims, these claims too are also in condition for allowance. It is thereby requested that all the rejections to these dependent claims be withdrawn, thereby placing the application in condition for allowance. Therefore, it is respectfully requested that all rejections to all claims be withdrawn.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 3-6, 8-11 and 13-17) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

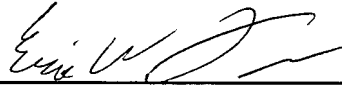
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

7/19/07

Date

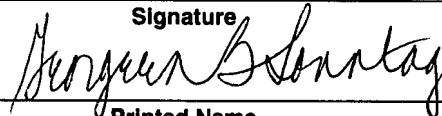


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